

REMARKS

This is a full and timely response to the final Official Action mailed **July 11, 2008** (the “Office Action” or “Action”). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Request for Continued Examination:

Applicant hereby requests Continued Examination for this application and entry and consideration of this amendment consequent thereto.

Claim Status:

Claims 1-8, 11 and 13-26 were previously cancelled without prejudice or disclaimer. By the foregoing amendment, claims 9, 10, 12 and 27-29 have been amended. No additional claims or claim cancellations are proposed by the present paper. Thus, claims 9, 10, 12 and 27-29 are currently pending for further action.

Objection to Specification:

In the outstanding Office Action, the Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. These issues have been corrected by the present amendment to the claims. No new matter has been added. Following entry of this amendment, the specification is believed to be in compliance with 37 C.F.R. 1.75(d)(1) and the objection to the specification may be reconsidered and withdrawn.

Objection to Claims:

In the outstanding Office Action, the Examiner objected to claims 27-28 because of informalities. These issues were corrected by Applicant's After-final Amendment filed on September 11, 2008, which was entered by the Examiner on September 19, 2008. The objection to claims 27-28 may therefore be reconsidered and withdrawn.

35 U.S.C. § 112, second paragraph:

In the recent Office Action, claims 9, 10, 12, and 27-29 were rejected under 35 U.S.C. § 112, second paragraph. These claims have been carefully reviewed in light of the Examiner's comments.

While Applicant does not necessarily agree that any of these claims were indefinite as filed, the indicated claims have been amended herein to address the issues raised by the Examiner under 35 U.S.C. § 112, second paragraph related to the use of terminology such as "separately receive," "content object," "authorization information," "conditional access receivers," and "set top receivers." (Action, pp. 6-7).

For at least these reasons, following this amendment, all the remaining claims are believed to be in compliance with 35 U.S.C. § 112 and notice to that effect is respectfully requested.

Prior Art:

Claims 9, 10, 27 and 28 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 5,420,866 to Wasilewski ("Wasilewski"). For at least the following reasons, this rejection is respectfully traversed.

Claim 9 now recites:

A method for accessing a message in a conditional access system, the method comprising:

receiving a rights message with a set top box, *wherein said rights message individually conveys access rights to said set top box for at least one functional unit in said set top box;*

receiving an authorization message with said set top box, *wherein said authorization message is transmitted to a plurality of separate set top boxes and specifies required rights for use of a separately received software object by said set top box;*

determining whether said set top box is authorized to access the separately received software object by *comparing said access rights conveyed to said set top box in said rights message with said required rights specified by said first authorization message;* and

blocking access to the separately received software object by the set top box as a function of determining if the set top box is authorized.

(Emphasis added).

Support for the amendment to claim 9 can be found in Applicant's original specification at, for example, Figs. 9-10 and paragraphs 0035-38 and 0048-0052.

Claim 9 recites that a set top box receives a rights message directed individually to the set top box, an authorization message directed to a plurality of set top boxes, and a software object. The rights message establishes or updates access rights granted to the set top box for at least one functional unit in the set top box. The authorization message is broadcast to a plurality of separate set top boxes and specifies what rights are required for a set top box to use the separately-received software object. By comparing the access rights granted in the rights message with the rights required in the authorization message, a determination can be made whether the set top box is authorized to access the software object, i.e., "determining whether said set top box is authorized to access the separately received software object by comparing said access rights conveyed to said set top box in said rights message with said required rights specified by said first authorization message; and blocking access to the

separately received software object by the set top box as a function of determining if the set top box is authorized.” (Claim 1).

Wasilewski, on the other hand, is entirely inapposite to this subject matter. Rather than addressing access to software objects, Wasilewski teaches access to specific television programming within a transport stream. Specifically, Wasilewski teaches the transmission of entitlement control messages (ECMs) for each elementary stream of content in a given “Transport Stream.” (Wasilewski, col 14, lines 21-44). Wasilewski further teaches that “[e]ach ECM typically will contain encryption or scrambling related information for only one of the elementary streams in a given Transport Stream” and that “an ECM may be used to transmit the encryption control words necessary for decrypting a particular elementary stream.” (*Id.*, col. 4, lines 12-19). As the Transport Packets containing the ECMS for a selected program are received in a set top box, a “demultiplexer 116 provides those ECMs to the decryption/descrambling unit,” where, “in accordance with the encryption/decryption scheme employed by the particular conditional access subsystem of the decoder 110, the decryption/descrambling unit 120 employs the information in the ECMs for each elementary stream to decrypt or descramble the payload sections of the Transport Packets that carry each respective elementary stream.” (*Id.*, col. 14, lines 33-44).

Wasilewski also teaches that conditional access to content can also be managed with the transmission of Entitlement Management Messages (EMM). According to Wasilewski, EMMs are “similar to the ECMs used to transmit stream-specific conditional access information,” in that the EMMs supply decoder-specific encryption data to authorized set top boxes (*Id.*, col. 4, lines 64 to col. 5, line 12; *See also* col. 14, line 64 to col. 15, line 17).

It will be readily apparent to one having ordinary skill in the art that the ECMs and EMMs taught by Wasilewski are nothing more than packets having encryption information

that can be selectively transmitted to certain set top boxes and used by those selected set top boxes to decrypt a stream of content, e.g., a specific channel or television program. The “encryption control words” carried by the ECMs and EMMs do not “individually convey access rights to said set top box for at least one functional unit in said set top box,” as recited by claim 1, because access must already be granted to set top boxes before the ECMs and/or EMMs are even transmitted to selected set top boxes.

Furthermore, the ECMs and the EMMs do not “specify required rights for use of a separately received software object by said set top box” that can be compared to access rights conveyed to the set top box in a rights message to “determine whether said set top box is authorized to access the separately received software object.” (Claim 1). Nowhere does Wasilewski teach or suggest this subject matter. Rather, the ECMs and EMMs taught by Wasilewski merely provide operative data to set top boxes that have already been conveyed access rights to a particular content stream.

“A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least these reasons, the rejection based on Wasilewski of claim 9 and its dependent claims should be reconsidered and withdrawn.

Claim 10 recites “wherein blocking access to the separately received software object comprises ignoring a portion of a datastream associated with the separately received software object.” In contrast, as demonstrated above, Wasilewski is inapposite to the subject of blocking access to a separately-received software object. Wasilewski, instead, relates to

enabling reception of particular television programming, not a software object. More specifically, Wasilewski does not teach or suggest blocking access to a software object by ignoring a portion of a datastream associated with such a software object. For at least these additional reasons, the rejection of claim 10 should be reconsidered and withdrawn.

Claims 12 and 29 were rejected under 35 U.S.C. § 103(a) as obvious in light of the combined teachings of U.S. Patent No. 5,619,250 and Wasilewski. This rejection is respectfully traversed for at least the reasons given above in favor of the patentability of claim 9.

Conclusion:

In view of the foregoing arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments in future papers supporting the patentability of any of the claims, including the separate patentability of the dependent claims not explicitly addressed herein. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

The absence of a reply to a specific rejection, issue or comment in the Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants

expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

DATE: October 9, 2008

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